



North Carolina Department of Public Safety

Community Corrections

Pat McCrory, Governor
Frank L. Perry, Secretary

W. David Guice, Commissioner
Anne L. Precythe, Director

December 21, 2016

Gregory Stephen Wood
Probation Parole Officer

[REDACTED]
DCC, Division 4, District 28
[REDACTED]

RE: Dismissal

Dear Mr. Wood:

This letter is to inform you of Management's decision concerning the recommendation for disciplinary action following our Pre-Disciplinary Conference held on Tuesday, December 20, 2016. Management has decided to dismiss you effective today, Wednesday, December 21, 2016, based on Unacceptable Personal Conduct as defined in Section 7, page 3, of the State Human Resources Manual and the Department of Public Safety Disciplinary Policy.

This decision was made after a review of all of the information available, including the current incident of Unacceptable Personal Conduct and the information you provided during the Pre-Disciplinary Conference.

The specific reasons for your Dismissal are:

- Your admitted sale and delivery, sometime between May 12 and 16, 2016, of a pistol, Sig Sauer Model P320, to an individual without verifying a permit to possess issued by the county in which that individual resided, which is a violation of NCGS 14-402; and
- Your conduct of providing false or misleading information either during the course of an internal investigation or to law enforcement, either of which is misconduct.

North Carolina General Statute 14-402. Sale of certain weapons without permit forbidden states:

- "(a) It is unlawful for any person, firm or cooperation in this State to sell, give away, or transfer, or to purchase or receive, at any place within this State from any other place within or without the State any pistol unless: (i) a license or permit is first obtained under this Article by the purchaser or receiver from the sheriff of the county in which the purchaser or receiver resides; or (ii) a valid North Carolina concealed handgun permit is held under Article 54B of this Chapter by the purchaser or receiver who must be a resident of the State at the time of the purchase."

Specifically, on May 20, 2016, [REDACTED] murdered his wife, [REDACTED] and [REDACTED] in Candler, NC. While conducting the investigation into this incident, local law enforcement discovered you were the registered owner of the weapon used by [REDACTED] in committing this crime. The weapon was a 45 caliber Sig Sauer Model P320, serial number [REDACTED]

which you purchased on December 2, 2015. You were interviewed by law enforcement on August 11, 2016, and acknowledged your purchase and subsequent sale of the pistol. You further admitted to law enforcement that you had not reviewed or obtained any permit documentation from the individual to whom you sold the weapon. Because you hold a criminal justice certified position, agency management was made aware of this matter and an internal investigation was conducted by the Office of Special Investigations (OSI).

- OSI investigators interviewed the lead investigator, [REDACTED] of the Buncombe County Sheriff's Office. [REDACTED] disclosed that he was assigned to investigate the aforementioned [REDACTED] on May 20, 2016. While conducting the investigation, he found that [REDACTED] had requested and received a [REDACTED] against her husband [REDACTED] on May 2, 2016. After conducting a weapon's trace, it was found that you were the registered owner of the weapon used by [REDACTED], the Sig Sauer Model P320. He therefore interviewed you on August 11, 2016, at which time you provided him with a receipt showing you had purchased the pistol used by [REDACTED] from [REDACTED] on December 1, 2015. You advised [REDACTED] that you periodically bought and sold firearms when you came across a "good deal" or when you needed extra money. You further advised [REDACTED] that you had sold this pistol somewhere between May 16 and May 31, 2016, through a local publication known as the "Iwanna." After you described the individual to whom you sold the weapon, you were presented with a picture of [REDACTED] and you identified him as the man to whom you had sold the weapon. You also advised the detective that the purchaser was driving a "high end" white truck in excellent condition.
- [REDACTED] stated you admitted that you did not collect or check for a pistol permit from the purchaser, but that you had looked at a NC Driver's License. [REDACTED] reported you stated you were unaware that a permit was necessary.
- According to [REDACTED] you were also unaware that the purchaser had an active 50-B Order. You told him that you were paid cash in the amount of \$500 for the weapon.

[REDACTED] stated he advised you to tell your supervisor about the interview and the matters discussed during the interview. [REDACTED] told OSI investigators that he spoke to you on August 11, 2016, although he did not participate in your interview. He stated that he advised you to let your supervisor know you had been interviewed concerning possible criminal charges. He stated he did this as a courtesy to you, as a fellow member of law enforcement. At no time did you report to your supervisor or any member of management that you had been interviewed by law enforcement related to this matter. Not until August 17, 2016, did [REDACTED] learn from [REDACTED] of the Buncombe County Sheriff's Office that you were being investigated for the illegal sale of a firearm that resulted in the [REDACTED] and [REDACTED] advised [REDACTED] that, while conducting the investigation into the [REDACTED] the weapon used in the crime came back registered to you.

- Subsequent to your interview by law enforcement and after [REDACTED] learned you were under investigation by law enforcement, the allegations against you were referred to the NCDPS

Office of Special Investigations. You were interviewed by OSI investigators on two occasions: September 1 and November 4, 2016. On September 1, 2016, you confirmed that you purchased the pistol on December 1, 2015, and placed an advertisement in the "Iwanna" in May 2016 to sell it. You stated the advertisement was posted for "subscribers only" on May 12, 2016, and was to be in the paper beginning May 16, 2106.

- In addition to the information you provided to law enforcement when interviewed, you also stated you recalled actually selling the pistol to an online subscriber prior to publication. You reported the buyer called you to make arrangements to meet you and asked if he needed a permit for the firearm. You stated you told him that he did and instructed him to bring it with him. This is in direct contradiction of the statements you made to law enforcement that you did not know that a permit for a firearm was needed.
- You told OSI investigators that you did not identify [REDACTED] as the individual who purchased the firearm when shown a photograph by law enforcement. You stated you had never seen [REDACTED] in person and the first time you had seen him was when [REDACTED] showed you [REDACTED] picture on August 11, 2016. Again, your statements to the OSI investigators were in direct contradiction to your statement to law enforcement that you looked at [REDACTED] driver's license.
- OSI investigators then asked if you had made a copy of the identification from the purchaser or written down his name, but you did not provide a direct response. Instead you indicated that the purchaser paid cash that he pulled from his front pocket and at some point opened his wallet. In your written statement, you wrote, "I'm thinking he was showing me his ID." You stated that when he opened his wallet you observed a card "with light blue writing" and you "assumed it was a CCW" (Carry Concealed Weapon permit). You acknowledged that you "did not check further."
- You also told investigators that you have sold four or five (4 or 5) weapons over the past three (3) years and you normally write the purchaser's address on the original gun receipt for your records. You admitted that you did not do that in this instance. You were unable to produce any records to show that you actually ever wrote a purchaser's address on the original gun receipt. You were also asked if you normally sold weapons at a loss, since you had purchased the pistol for just over \$530 and sold it for \$500. You stated that you did not and were only estimating the amount the purchaser paid because it was a cash sale from several months prior.
- During a subsequent interview with you on November 4, 2016, investigators followed up on your report of selling four or five weapons in the past three (3) years. You clarified that you sold these weapons in a single year and then shared information in which you reported selling fifteen (15) weapons between 2013 and 2016. With regard to documentation, you stated that you had records that included the purchaser's names, notes about the transaction, copies of the permits or copies of the purchaser's driver's license, but that you had destroyed these notes because you didn't need them, so you could not produce any evidence that actually verified that each individual to whom you sold a firearm had a permit to purchase a firearm. You told investigators that you had documentation concerning a single purchaser from a single sale that you could provide investigators.

- Later that day, November 4, 2016, you sent an email with an attached photo of a NC Concealed Weapon Handgun Permit and a NC Driver's License for the same individual. It was noted that the permit expired on November 4, 2016. There was no documentation of the type of weapon purchased or date of sale on the information provided.
- On November 20, 2016, you were served with a warrant charging Sell/Purchase of a Weapon with no permit, NCGS 14-402, by the Waynesville Police Department.
- During the investigation, additional allegations were made that you engaged in multiple sales of firearms in violation of NCGS 14-402, and that you acted as a firearms dealer without going through the proper application and registration process to do so.
- On November 20, 2016, you were served with a warrant charging Sell/Purchase of a Weapon with no permit, NCGS 14-402, by the Waynesville Police Department.

The mission of the North Carolina Department of Public Safety is to *"Safeguard and preserve the lives and property of the people of North Carolina through prevention, protection and preparation with integrity and honor."* To help guide us in accomplishing our mission, the agency has established written goals and values that define expectations and personal characteristics necessary for successfully meeting this objective. Agency goals include serving as *"the model for preventing and reducing crime."* Our values include *"safety of our employees and the citizens we service"* and integrity as evidenced by performing our duties *"in an ethical, honorable, respectful, courageous, truthful, and sincere way."*

These goals and values of the agency are also reflected in policy and procedures. Specifically, the Division of Adult Correction and Juvenile Justice Community Correctional Policy and Procedures, Section 1800 Professional Standards and Conduct of Employees includes the following:

- 1822 Conditions of Continued Employment
 - *"Conditions of continued employment for all employees are detailed in the DPS Personnel Policy Manual.*
 - *(b) Employees are expected to fully cooperate with all internal investigations, and to maintain confidentiality at all times.*
- The Department of Public Safety Human Resources Policy, Disciplinary Policy and Procedures, includes the following with regard to employee personal conduct: *"All employees of the DPS shall maintain personal conduct of an acceptable standard as an employee and member of the community. Unacceptable personal conduct includes, but is not limited to . . . Conduct for which no reasonable person should expect to receive prior warning . . . Engaging in behavior made criminal by the laws of this State is clear conduct for which no reasonable probation parole officer should expect to receive a prior warning prior to dismissal.*

NCDPS policy states, *"Just cause to warn or take other disciplinary action for unacceptable personal conduct may be created by intentional or unintentional acts. The conduct may be job-related or off duty so long as there is sufficient connection between the conduct and the employee's job."* The agency's Disciplinary Policy also states, *"Any employee may be dismissed*

as a result of unsatisfactory job performance, grossly inefficient job performance or unacceptable personal conduct. To pursue a dismissal, the following requirements apply for the respective categories:

- *Unacceptable Personal Conduct: An employee may be dismissed for a current incident of unacceptable personal conduct."*

This means that an employee may be dismissed for a single incident of Unacceptable Personal conduct, without prior incident or notice.

- North Carolina Department of Public Safety; Division of Adult Correction and Juvenile Justice Community Corrections Policy and Procedures, Chapter A Administration – Fiscal and Personnel; Section .1700 Professional Standards and Conduct of Employees; .1722 Conditions of Continued Employment; reads
 - *"The Division expects all employees to represent the agency in a professional manner with high standards at all times, both on and off duty."*

Sale of a Firearm without Verification of a Permit

Based on the investigation, it has been determined that you engaged in criminal behavior, i.e., you willfully and intentionally sold a firearm without verifying that the purchaser had a permit to purchase the firearm that was ultimately used to commit a serious criminal offense, [REDACTED] and was also used by [REDACTED]. This behavior was both conduct that was unbecoming a State employee and specifically one in your position in law enforcement and it was detrimental to State service.

As a Probation Parole Officer, you are expected to follow all State laws and department policies and procedures. You are also expected to maintain a high standard of personal conduct both on and off duty. This includes conducting yourself in a manner that prompts public safety and safeguards the public trust in all instances. As a Probation Parole Officer, employed with the Department of Public Safety, Division of Community Corrections, you are expected to conduct yourself in an appropriate manner at all times while at work as well as in the community and should not engage in any conduct that jeopardizes public safety and constitutes a criminal offense. In this regard, your misconduct has clearly brought discredit to you and represents a serious breach of the professional conduct standards to which all DPS employees are held accountable. Not only does such misconduct negatively impact your effectiveness in performing your duties, it also exposes the agency to potential embarrassment and erodes the public trust.

Providing False Information

Based on the investigation, it has been determined that while you initially identified [REDACTED] as the individual who purchased the weapon from you, you later denied identifying him when interviewed by OSI investigators, thus providing conflicting, false, or misleading information. However, you did acknowledge and admit that you sold the pistol used in this crime. In addition, you told law enforcement that you looked at [REDACTED] driver's license. You later told OSI investigators that you "think" you looked at the purchaser's driver's license, but then also stated you had no recollection of the name of this individual. You further admitted that you assumed he had a Conceal Carry Permit based on your observation of the contents of his wallet. However, you told law enforcement you were not even aware of the permit requirement. And you admitted that you did not verify that the purchaser had a "permit" or

license from the sheriff's office in which he resided, a requirement to "lawfully" possess a pistol in the State of North Carolina. You admitted that you did not review or obtain any documents to verify that the individual purchasing this weapon could lawfully possess a pistol in the State of North Carolina, a critical component in safeguarding and protecting the public. You stated you sold weapons and recorded information about each sale, yet when given the opportunity you could not provide OSI investigators with any documentation to support your claim. Therefore, the conflicting and unsupported statements made by you to law enforcement and OSI investigators indicate your willful behavior of providing false and/or purposefully misleading statements during the course of an investigation to either NC DPS or law enforcement, either of which is unacceptable personal conduct.

In addition, providing false or misleading information during the course of an investigation is considered Unacceptable Personal Conduct and, as such, is sufficient to warrant disciplinary action up to and including dismissal. However, as a Probation Parole Officer, one of your primary and essential job duties is to provide truthful testimony in court. Given the conflicting and misleading information provided by you to law enforcement and the agency's internal investigators, your credibility as a witness is in question and you can no longer testify about alleged offender violations in Probation Violation hearings. Please understand it is your own false and/or misleading statements to agency and outside law enforcement investigators that has resulted in this status, referred to as "Giglio Impaired."

As a result of your behavior, management has lost confidence in your ability to conduct yourself in a manner acceptable to the Department's standards and your ability to give truthful, unimpeachable testimony. Therefore, I recommended your dismissal because you engaged in unacceptable personal conduct by either lying to law enforcement or lying during the internal investigation conducted by this agency, either of which is unacceptable personal conduct and renders you unfit to perform an essential function of your position, i.e., providing truthful and unimpeachable testimony to a court of law. I am also recommending your dismissal because you engaged in unacceptable personal conduct by selling a firearm to an individual without verifying the individual had a permit to possess a firearm. In this case, the individual not only did not have a permit, he used the firearm obtained from you to [REDACTED]. Either of these behaviors alone is sufficient to support the recommendation for your dismissal and completely inconsistent with the goals and values of this agency.

During the Pre-Disciplinary Conference held on Tuesday, December 20, 2016, you provided a typed response specific to eleven (11) points that were identified by number on a copy of the notification of pre-disciplinary conference letter issued to you the previous day. However, none of these points addressed or changed the fact that you sold a firearm without verifying that the purchaser had a permit for a firearm which was ultimately used to commit a criminal offense and [REDACTED]. Your response does not change the fact that you could not identify the purchaser of the firearm, that you could not produce any information about that individual's identity, documented or otherwise, and that you assumed the purchaser had a permit because you observed a card with "blue writing" in his wallet. Therefore, you did not present any information to dispute or otherwise mitigate the findings of the investigation or to change the recommendation.

If you are a "career State employee" (as defined in N.C.G.S. §126-1.1) and wish to appeal this decision, you must do so in writing within fifteen (15) calendar days. The appeal must be submitted by using the Step 1 Grievance Filing Form HR 555. The appeal must be mailed to the Grievance Intake Coordinator,

Department of Public Safety, 512 N. Salisbury Street, 4201 Mail Service Center, Raleigh, NC 27699-4201. As an alternative to mail, the appeal may be emailed to Grievance.Appeals@ncdps.gov, or hand delivered to the State Capitol Police, 417 N. Salisbury Street, Raleigh, NC 27603, between the hours of 8:00 a.m. and 5:00 p.m. Regardless of the method of filing, the appeal must be received by the Grievance Intake Coordinator on or before the fifteenth (15th) calendar day after receiving this letter in order to be timely filed. Failure to comply with this time frame shall result in your appeal not being accepted and it will be administratively closed. I have attached a copy of the Employee Grievance Policy (North Carolina State Human Resources Manual) for your review. If you are not a "career State employee" (as defined in N.C.G.S. § 126-1.1), this action is final and carries no appeal rights.

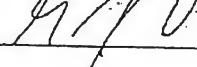
NCGS 126-23 (a) (11) provides that Dismissal letters are public information and must be released, if requested.

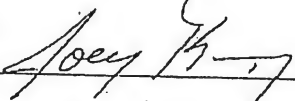
Sincerely,



Lori Anderson
Judicial District Manager
Division 4, District 28

By signing this letter, I acknowledge receipt of this notice of Dismissal letter, a copy of Employee Grievance Policy (North Carolina State Human Resources Manual) and the Department of Public Safety Grievance Filing Form that are attached.

Employee Signature:  Date: 12/21/16

If Applicable:
Witness:  Date: 12/21/16

Witness Printed Name: Joey King

Enclosure:
State Human Resources Manual; Employee Grievance Policy
Department of Public Safety Grievance Filing Form HR 555

cc: Unit File
Personnel File – Raleigh
Employee Relations